



STATE OF ALABAMA
ALABAMA PUBLIC SERVICE COMMISSION
P. O. BOX 991
MONTGOMERY, ALABAMA 36101-0991

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FEB 08 1995

FCC MAIL ROOM

JIM SULLIVAN, PRESIDENT
JAN COOK, ASSOCIATE COMMISSIONER
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WALLACE TIDMORE
SECRETARY

February 7, 1995

DOCKET FILE COPY ORIGINAL

To Whom It May Concern:

Enclosed you will find an original and nine copies of the Comments of the Alabama Public Service Commission filed before the Federal Communications Commission. Please date stamp a copy and return it to me in the enclosed, self-addressed stamped envelope. Thank you for your cooperation.

Sincerely,

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEB 06 1995

In the Matter of

FCC 94-292

FCC MAIL ROOM

Policies and Rules Concerning

CC Docket No. 94-129

Unauthorized Changes of Consumers'

Long Distance Carriers

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Comments of the Alabama Public Service Commission

The Alabama Public Service Commission has experienced numerous complaints of unauthorized conversion of customer's interexchange carrier by other interexchange or resale carriers. In January of 1995, the Alabama Public Service Commission and the Mississippi Public Service Commission filed a joint complaint with the Federal Communications Commission, against American Long Distance Services, Inc., (formerly One-2-One Communications East, Inc.). The Alabama Public Service Commission has over 600 complaints filed on American Long Distance Services, Inc., alone. We strongly agree with the initiation of this rule making proceeding.

The Alabama Public Service Commission supports the proposal that all Letters of Agency (LOAs) used to choose a primary interexchange carrier (PIC) should be captioned "An Order to Change My Long Distance Telephone Service Provider" or some other caption that is clear and easily understood by the average consumer. "Letters of Agency" and "Primary Interexchange

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Carrier" are not terms commonly used by the average consumer and can be confusing, especially when used in conjunction with inducements, and/or negative options.

The Alabama Public Service Commission also supports the proposal that would require the LOA to consist of a separate document from any inducement mailed in the same envelope. It is preferable that the LOA be sent in a separate envelope altogether from an inducement or that language be included on the LOA and the inducement, in large letters, explaining the contents of each.

We also strongly agree with the proposal that would prohibit "negative option" LOAs. These negative option LOAs take the burden off of the carrier and place it on the consumer. These promotionals should be treated as unordered merchandise and the consumer should not be charged for any calls made pursuant to a PIC change due to a negative option LOA.

In light of the continued abuse and creativity designed to confuse and take advantage of the consumer, the Alabama Public Service Commission supports a proposal that would prescribe specific language for the LOA. We also support rules and regulations concerning the font and point size. The font and point size should be easily legible to all segments of the population, especially the elderly. The carriers have been afforded an opportunity to act in good faith and operate within existing guidelines. They have failed to comply with the spirit of the guidelines and continue to scheme and operate through deception. The carriers have proven themselves incapable of exercising discretion and operating within guidelines. It is time to tighten the guidelines and require strict compliance with the rules and regulations.

The Alabama Public Service Commission favors restricting the LOA so that only the IXC that actually sets the rates for the customer is identified in the LOA. We also support requiring

the LOA to state, prominently and clearly, a telephone number or some other simple method for the consumer to inquire into the rates of the proposed PIC. Some companies have interstate rates that are much higher than the rates charged by the dominant carriers, and the consumer should have easy access to this information before switching to a new PIC.

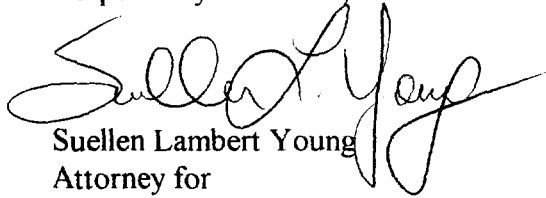
The Alabama Public Service Commission feels strongly that the victim of unauthorized conversions should not be liable to anyone, for any costs associated with the unauthorized switching of their PIC. If a customer is enrolled in an optional calling plan, and experiences an unauthorized conversion of the PIC, the unauthorized carrier should receive nothing for the calls they carried by deception. The original company that the consumer has optional calling with, should still be paid their flat rate if they had no notice of the customers change to a different PIC. As to whether any adjustments to long distance telephone charges should be made for consumers who are the victims of unauthorized PIC conversions, the Alabama Public Service Commission would point out that these consumers did not solicit the company and therefore should incur no charges from calls carried by companies trying to deceive the customer. If these conversions were accidental and happened occasionally, it would make sense for the consumers to pay the amount they would have paid if their PIC were never changed; but complaints of "slamming" are numerous, constant, and show a clear pattern of being intentionally deceptive. The unauthorized IXC should receive nothing at all from consumers who are the victims of unauthorized PIC conversions. To do otherwise would reward the fraudulent practices and unauthorized conversions.

Lastly, the Alabama Public Service Commission feels that any proposed rules should clearly delineate what result is unacceptable to be practiced on the consuming public. Safeguards

should be built in to stop these companies from intentionally disregarding the spirit of the rules.

Remedies and penalties for noncompliance with the rules should be swift and harsh. We can no longer tolerate these flagrant violations of the rules.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Suellen Lambert Young". The signature is fluid and cursive, with a large, stylized "S" at the beginning and a long, sweeping underline.

Suellen Lambert Young
Attorney for
Alabama Public Service Commission
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